

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

V.

CR. NO. 16-10215-RWZ

LUIS LOPEZ

PROFFER IN SUPPORT OF PROPOSED CONDITIONS OF RELEASE

Luis Lopez, by his attorney, submits the following memorandum as his proffer of evidence and proposed conditions of pretrial release.

Mr. Lopez is the first named defendant in An eight person indictment alleging controlled substance and money laundering crimes. The indictment also contains forfeiture provisions with respect to various properties and assets associated with Mr. Lopez.

Mr. Lopez, age 42, was residing in Tiverton, Rhode Island, at the time of his arrest. He had lived in Tiverton for six years, after a two year residency in Fall River, Massachusetts. Prior thereto he was incarcerated in the Massachusetts Department of Corrections from 2000-2008.

Mr. Lopez was residing with his female partner and their child, together with another of his children. Mr. Lopez is father to seven children, is involved in their lives and provides financial support for all. Indeed, at the time of arrest several of his children were present in the Tiverton home as the children spend the summer months living with their father.

Mr. Lopez will not flee or avoid prosecution. This assertion is buttressed by the fact that he was aware of this federal investigation for several months prior to his arrest. He had retained Attorney Kevin Reddington to represent him in

connection with the grand jury investigation that yielded this indictment. The government must concede that Attorney Reddington was actively representing Mr. Lopez prior to arrest. Mr. Lopez was aware of the nature and scope of the investigation and the possible sentencing consequences were he convicted. Prior to arrest, seizure of assets and real estate restraining orders, Mr. Lopez had substantial assets and financial ability to avoid prosecution by fleeing; he did not. He made no effort or attempt to flee the region or to otherwise avoid prosecution.

Whatever else the government's investigation has revealed, it has also shown Mr. Lopez to be a man directly involved with his children including his daily transportation of his younger children to their school in Fall River, Massachusetts.

Mr. Lopez criminal history, other than early youthful offenses, demonstrates a pattern of remaining to face prosecution. His more recent state prosecutions involved serious allegations with significant state prison sentencing consequences. He remained to face prosecution.

Mr. Lopez's family circumstances, including seven children, and life long residence in the community provide this Court with significant reasons to conclude he is not a flight risk.

The government will likely seek to rely upon the statutory presumption of dangerousness. The facts proffered above, plus the fact that when his Tiverton home was searched following arrest there was no drug evidence or other evidence of drug distribution found in the home, further rebut the presumption that no conditions of release are suitable.

To the contrary, the following proposed conditions of release will both assure appearance when required and the safety of the community:

Home detention in Tiverton, Rhode Island;

Electronic monitoring;

Travel permitted only for meetings with undersigned counsel and only with 24 hour prior notice to the probation office;

Surrender of passport and no application for passport (passport was seized at time of arrest);

Permission for law enforcement to make random searches of his home and random interceptions of telephone conversations;

Statutory conditions of release.

LUIS LOPEZ
By his attorney

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CERTIFICATE OF SERVICE

I certify that the above was served on all parties via ECF system.

Elliot M. Weinstein
Elliot M. Weinstein